

REMARKS

Claims 1-19 are pending. The Applicants herein present amended claim 10 to obviate the objection to the language set forth by the Examiner. The Applicants respectfully request the Examiner to reconsider the rejections in view of amendments to the claims now presented and the following remarks.

Introduction

The present invention was developed by the Applicants to address and indeed solve a relentless and expensive problem in the cabinet drawer industry. Particularly, as set forth in the instant disclosure, a cabinet drawer generally requires two tracks for receiving rollers mounted on sides of a drawer and means for mounting the tracks within the cabinet. The tracks are commonly mounted in pairs horizontally in the cabinet on opposing sides of a cabinet to receive the drawer rollers. The pair of tracks are generally anchored at the end of the track, i.e., at the back of the cabinet, distal to the drawer opening. The anchoring means is referred to as the drawer track boot. The basic problem in the cabinet drawer industry is that the drawer track boot becomes separated in an unreasonably short period of time, regardless of the degree of care employed in installation, - because of normal torsional stress - as a result of drawer use. As a result, it becomes necessary to periodically tighten the drawer track boot by fastening means (usually wood screws) anchoring the drawer track boot to the back of the interior of the cabinet. The tightening of the screws, however, to re-secure the boot, commonly results in the splitting of the boot, particularly at a point of fastener attachment. The Applicants have solved these particular problems by providing a specific mechanical solution encompassed by the claims now pending.

The subject matter of claims 1-8 and 10-19 is rejected under 35 U.S.C. §102(e) as anticipated by the disclosure of U.S. Patent No. 6,390,576 ('576) to Walburn.

The Walburn '576 disclosure is drawn toward a device for mounting a drawer face panel onto a drawer. Particularly disclosed is a device for adjustably mounting the face panel of a drawer so that when the drawer is closed, the drawer face panel is in flush contact with the front surface of the enclosure. The Applicants, however, respectfully point out that the '576 L-shaped

piece (24) ("stand") held by the Examiner to be an anticipating embodiment within the scope of the Applicants' claims, indeed differs sharply from the subject matter of the Applicants' claims now pending. Particularly, the Walburn '576 "stand" (24) is an alignment device which is attached to the slide rail (18) and separately to the angled bracket (34) which is attached to the drawer face panel (13). Specifically, the Walburn '576 "stand" (24) is means of adjusting the position of the drawer face panel. In sharp contrast to the subject matter of the amended claims now presented, i.e., the stress relieving plate mounted on a drawer track boot, the Walburn '576 "stand" (24) merely sits on a slide rail to prop up the angled bracket which is attached to the front panel of the drawer. Accordingly, (1) the Walburn '576 "stand" is in sharp *functional* contrast to the device of the present invention, (2) the claims now presented cannot, as a matter of law, *structurally* encompass the Walburn '576 "stand" (24).

The Applicants therefore respectfully request the Examiner to withdraw the rejection.

The subject matter of claim 9 is rejected under 35 U.S.C. §103(a) as being obvious in view of the Walburn '576 disclosure.

The Applicants respectfully submit that the obviousness rejection is now obviated by the amendment to claim 9 presented herewith.¹

The Applicants therefore respectfully request the Examiner to withdraw the rejection.

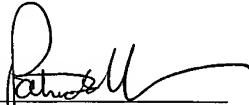
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For all the foregoing reasons, the Applicants submit that Claims 1-19 are in condition for allowance. Early action toward this end is courteously solicited. *The Examiner is kindly encouraged to telephone the undersigned in order to expedite any detail of the prosecution.*

¹ If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); MPEP §2143.01.

The Commissioner is authorized to charge any deficiency or credit any overpayment in connection herewith to Deposit Account No. 13-2165.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick H. Higgins", written over a horizontal line.

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Date: November 20, 2003

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